PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of	Docket No: Q64735
Dominique CHANTRAIN, et al.	
Appln. No.: 09/891,545	Group Art Unit: 2153
Confirmation No.: 1856	Examiner: Yasin M. BARQADLE
Filed: June 27, 2001	

For: A METHOD FOR ENABLING A USER ALREADY CONNECTED TO A VIRTUAL PRIVATE NETWORK TO COMMUNICATE WITH A COMMUNICATION DEVICE NOT BELONGING TO THIS VIRTUAL PRIVATE NETWORK AND CORRESPONDING NETWORK ACCESS SERVER

REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. § 41.52

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Appellant requests reconsideration of the decision mailed December 9, 2009, for the reasons given below.

Claims 1-13 are pending. All of claims 1-13 are rejected under 35 USC 102(e) as anticipated by U.S. Patent 6,557,037 (Provino). The rejection was affirmed in the Decision, but it is believed that the affirmance is based on a misunderstanding of the applied prior art and the requirements of the claims on appeal.

Appellant believes the claimed invention patentably distinguishes over the prior art for the reasons set forth in detail in earlier briefs, but will discuss herein only a single point of error in the Decision. By not raising other arguments for patentability, appellant does not waive any such arguments or agree that such other arguments do not warrant a finding of patentability.

Claim 1 requires that a user who is connected to a VPN send a message to a communication device outside of the VPN, and that this message be directed to a logical channel between the Network Access Server and the communication device, ***wherein the logical channel has, as a logical channel identifier , an identifier of the host VPN to which the user is currently connected***.

At page 7 of the Decision, the Board discusses how Provino teaches communication between a VPN and devices outside of the VPN, but this is not relevant to the above feature, and particularly to the requirement highlighted in bold text. The claim is not about communication between the VPN and a device outside of the VPN, it is about communication between (1) a user registered in a Network Access Server as being connected to the host VPN, and (2) a device outside of the VPN. Thus the claim requires communication between two devices outside the VPN, with at least one (the user) being connected to the VPN.

While the Board has (appellant believe erroneously) found Provino's communication between the VPN and devices external to the VPN to satisfy the claim requirement of communication between a device connected to the VPN and a device external to the VPN, appellant notes that Provino does teach, e.g., at lines 46-53 of column 13, that the device 12(m) can communicate with a device 13 external to the VPN. But what is still missing is that this communication is effected by directing a message from the device 12(m) to a logical channel between the Network Access Server and the device 13, the logical channel having a logical channel identifier which identifies the host VPN to which the device 12(m) is connected.

The Board frames its only issue at the bottom of page 6 of its Decision, stating that it must determine whether Provino detects the message sent from the user to the communication device while the user is connected to the VPN, but in framing the issue in this way the Board ignores the related claim requirement that the detected message be directed to a logical channel between the Network Access Server and the communication device, with the logical channel having a logical channel identifier identifying the VPN to which the user is connected.

The Board does point out in Finding of Fact (4) that, when communicating with the device 13, the internet address in the request message packet from the device 12(m) may be associated with external device 13. But this not mean or suggest that the request message packet from the device 12(m) will be sent on a logical channel between the Network Access Server and the device 13 and that this logical channel will have a logical channel identifier identifying the VPN to which the user 12(m) is currently connected.

At the top of page 8 of its Decision, the Board asserts that a message packet in Provino is directed to a predetermined integer internet address associated with the firewall 30 which is reserved for secure tunnel establishment requests. This is true. It is also true that the internet address may be associated with a device 13. But there is no discussion here of a logical channel between a Network Access Server and the external device 13. Most importantly, even assuming that a message would be sent to the external device 13 on a logical channel, there is no suggestion at all in Provino that the logical channel used to send the message to the external device would have a logical channel identifier identifying the VPN to which the user 12(m) is connected. Both the examiner and the Board gloss over this important requirement of the claim.

It is submitted that this requirement of the claim is not taught in Provino, nor has the examiner provided any explanation as to why it would have been obvious to one of skill in the art to do this, so that there is no prima facie case of obviousness.

For the above reasons, it is requested that the Board reconsider its decision and reverse the rejection of all claims.

Respectfully submitted,

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